REMARKS

Claims 1 and 3 - 13 are pending in this application with claims 1 and 7 being amended and claims 2 and 14 being cancelled by this response.

Claims 1 and 7 have been amended to further define the present claimed invention. Specifically, claims 1 and 7 have been amended to state "determining the kind of memory used for the storage of the service data in said memory, an memory includes the internal memory, an external memory connected to the receiver and a remote memory accessible via a network". Support for these amendments can be found on page 3, line 13 of the specification.

Rejection of Claims 1-12 and 14 under 35 USC § 102(b)

Claim 1-12 and 14 are rejected under 35 § 102(b) as being anticipated by Lazarus et al (U.S. Patent No. 5,652,613).

The present invention as claimed in Claim 1 recites a television receiver furnished with a memory intended to contain service data. The receiver includes means of reception of the service data and of usage criteria associated with the usage of these service data. A processing module correlates the usage criteria of the service data and storage criteria characterizing the memory with a view to determining the kind of memory used for the storage of the service data in the memory. The memory includes the internal memory, external memory connected to the receiver and the remote memory accessible via a network. The processing module is activated automatically on receipt of the service data and of the associated usage criteria. Claim 7 includes similar limitations as described above.

Lazarus is directed to a "memory management system and method, and, in particular, to an intelligent system and method for allocating the finite memory resources of a television electronic program guide ("EPG") according to the current

5

utility of the program schedule information stored in the EPG's memory" (see column 1, lines 6-11). However, Lazarus neither discloses nor suggests "a processing module able to correlate the usage criteria of said service data and storage criteria characterizing the memory with a view to determining the <u>kind of memory used for the</u> storage of the service data in said memory" as in the present claimed invention. Specifically, Lazarus neither discloses nor suggests "the memory includes an internal memory, an external memory connected to the receiver and a remote memory accessible via a network" as in the present claimed invention. Rather, Lazarus merely teaches only an internal storage wherein data could be stored. Furthermore, Lazarus neither discloses nor suggests storing "service data" in the "internal memory, external memory connected to the receiver and the remote memory accessible via a network" based on the usage of the service data as in the present invention.

For at least these reasons, it is respectfully submitted that Lazarus fails to disclose or suggest each of the features and limitations as recited in present claims 1 and 7. It is thus respectfully submitted that claims 1 and 7 are not anticipated by Lazarus. As claims 3 – 6 are are dependent on claim 1 and claims 8 – 12 are dependent on claim 7, it is respectfully submitted that these claims are also allowable for the same reasons as claims 1 and 7. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claim 13 under 35 USC§ 103

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazarus et al (U.S. Patent No. 5,652,613) in view of Jenevein et al. (U.S. Patent No. 6,615,365 B1).

Similarly to Lazarus, Jenevein (US 6,615,365) neither discloses nor suggests "a processing module able to correlate the usage criteria of said service data and storage criteria characterizing the memory with a view to determining the <u>kind of memory used for the</u> storage of the service data in said memory" as in the present claimed invention. More specifically, Jenevin et al. neither discloses nor suggests "the memory includes

the internal memory, external memory connected to the receiver and the remote
memory accessible via a network" as in the present claimed invention.

In view of the above remarks, it is respectfully submitted that the present
invention as claimed in claim 7 is not unpatentable over Lazarus when taken alone or in
combination with Jenevein. As claim 13 is dependent on claim 7, it is respectfully
submitted that this claim is also allowable for the same reasons discussed above with
respect to claim 7. It is thus further respectfully submitted that this rejection is satisfied
and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of
the preceding amendments and remarks, this application stands in condition for
allowance. Accordingly then, reconsideration and allowance are respectfully solicited.
If, however, the Examiner is of the opinion that such action cannot be taken, the
Examiner is invited to contact the applicant's attorney at the phone number below, so
that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee
to Deposit Account 07-0832.

Respectfully submitted,
Valerie Crocitti et al.

By:
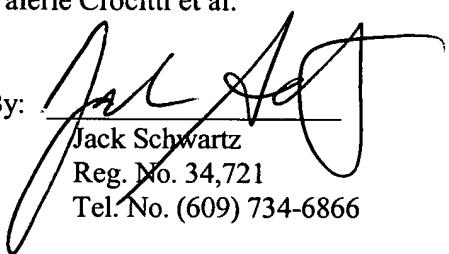
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July 20, 2004

Application No. 09/741,717   Attorney Docket No. PF990099

<u>CERTIFICATE OF MAILING under 37 C.F.R. §1.8</u>

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: __July 20, 2004____   _____

                                              Eliza Buchalczyk

8